

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MITCHELL H. KOSSOFF,

Plaintiff,

14 Civ. 1144

-against-

OPINION

RICKY FELBERBAUM and FLORIDA
FORECLOSURE ATTORNEYS, PLLC,

Defendants.

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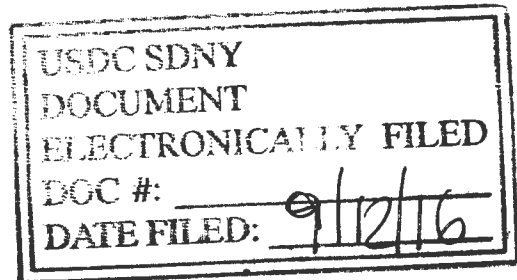
A P P E A R A N C E S:

Attorneys for Plaintiff

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New York, NY 10022
By: Eric R. Levine, Esq.

Attorneys for Defendant

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Sweet, D.J.

Defendant counterclaim plaintiff Florida Foreclosure Attorneys, PLLC ("FFA" or the "FFA Defendant") has moved pursuant to Rule 56 of the Federal Rules of Civil Procedure for partial summary judgment fixing the amount of damages that is owed by the plaintiff Mitchell Kossoff ("Kossoff" or the "Plaintiff") under a Restated Promissory Note executed by Plaintiff dated December 1, 2012 (the "Note").

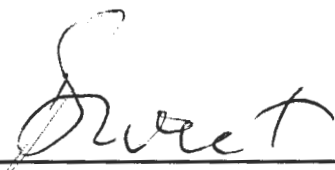
The Defendants' Statement of Undisputed Material Facts pursuant to Local Rule 56.1 and Plaintiff's Response pursuant to Rule 56.1 to Defendants' Statement of Undisputed Facts establish that there is a factual conflict as to the amount due under the Note -- Kossoff contending \$500,000 and FFA contending \$515,000. The motion for partial summary judgment therefore is denied. The Pre-trial Order will be submitted in three weeks and the action will be marked ready for trial. Counsel will be given one week notice of the trial date.

Conclusion

Based on the conclusions set forth above, Defendant's motion for summary judgment is denied.

It is so ordered.

New York, NY
September 9, 2016



ROBERT W. SWEET
U.S.D.J.